

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

<p>UNITED STATES OF AMERICA, v. Plaintiff, MARCO CALVERT-MAJORS, and ADAM ANDERSON-DOTSON, Defendants.</p>	<p>No. CR21-53 RSM ORDER CONTINUING TRIAL DATE</p>
<p>UNITED STATES OF AMERICA, v. Plaintiff, KENNETH N. LEE, Defendant.</p>	<p>No. CR21-56 RSM</p>

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### Order Continuing Trial Date - 1

*U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S. v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v. Arambula et al.*, CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v. Abercrombie*, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

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1	UNITED STATES OF AMERICA, 2 Plaintiff, 3 v. 4 CURTIS G. SNIPES, and 5 YUSEF H. PARRISH, 6 Defendants. 7	No. CR21-57 RSM 8
9	UNITED STATES OF AMERICA, 10 Plaintiff, 11 v. 12 EUGENE MCGEE, and 13 RANDOLPH P. BROWN, 14 Defendants. 15	No. CR21-058 RSM 16
17	UNITED STATES OF AMERICA, 18 Plaintiff, 19 v. 20 TERRY EZELL, 21 Defendant. 22	No. CR21-062 RSM 23

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*U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-56RSM, *U.S. v. Snipes et al.*, CR21-57RSM, *U.S. v. McGee et al.*, CR21-58RSM, *U.S. v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v. Arambula et al.*, CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v. Abercrombie*, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

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1	UNITED STATES OF AMERICA, Plaintiff, v. CESAR CLEMENTE, Defendant.	No. CR21-063 RSM
7	UNITED STATES OF AMERICA, Plaintiff, v. CRAIG JORDAN, Defendant.	No. CR21-064 RSM
13	UNITED STATES OF AMERICA, Plaintiff, v. CARLOS ROMALLIS DANIELS, Defendant.	No. CR21-069 RSM
19	UNITED STATES OF AMERICA, Plaintiff, v. CESAR ARAMBULA, JORGE AGUILAR DURAN, and RAUL BARRETO BEJINES, Defendants.	No. CR21-107 RSM

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27 U.S. v. Calvert-Majors et al., CR21-53RSM, U.S. v. Lumumba-Olabisi et al., CR21-  
 28 56RSM, U.S. v. Snipes et al., CR21-57RSM, U.S. v. McGee et al., CR21-58RSM, U.S.  
 v. Ezell, CR21-62RSM, U.S. v. Clemente, CR21-63RSM, U.S. v. Jordan, CR 21-  
 64RSM, U.S. v. Evans, CR21-68RSM, U.S. v. Daniels, CR 21-69RSM, U.S. v.  
 Arambula et al., CR21-107RSM, U.S. v. Moreno Aguirre et al., CR21-108RSM, U.S. v.  
 Abercrombie, CR21-117RSM, U.S. v. Hawkins, CR21-5213RSM

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1	UNITED STATES OF AMERICA, Plaintiff, v. CRESENCIO MORENO AGUIRRE, RAFAEL RAMIREZ, SAMUEL DUARTE AVILA, SERGIO REYES-PINA, ELYAS MOHAMED KEROW, and BRETT DAVID RADCLIFF, Defendants.	No. CR21-108 RSM
11	UNITED STATES OF AMERICA, Plaintiff, v. EDWARD ABERCROMBIE, Defendant.	No. CR21-117 RSM
17	UNITED STATES OF AMERICA, Plaintiff, v. KENDLE RASHEN HAWKINS, Defendant.	No. CR21-5213 RSM

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26  
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U.S. v. *Calvert-Majors et al.*, CR21-53RSM, U.S. v. *Lumumba-Olabisi et al.*, CR21-  
56RSM, U.S. v. *Snipes et al.*, CR21-57RSM, U.S. v. *McGee et al.*, CR21-58RSM, U.S.  
v. *Ezell*, CR21-62RSM, U.S. v. *Clemente*, CR21-63RSM, U.S. v. *Jordan*, CR 21-  
64RSM, U.S. v. *Evans*, CR21-68RSM, U.S. v. *Daniels*, CR 21-69RSM, U.S. v.  
*Arambula et al.*, CR21-107RSM, U.S. v. *Moreno Aguirre et al.*, CR21-108RSM, U.S. v.  
*Abercrombie*, CR21-117RSM, U.S. v. *Hawkins*, CR21-5213RSM28  
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1        This matter comes before the Court on the joint motion of 15 of the 22 remaining  
 2 defendants charged in these related cases to continue the trial in this matter and to  
 3 schedule a status conference and motions schedule. Having considered the motion, any  
 4 responses and objections, and all the files and records herein, the Court finds and rules as  
 5 follows:

6           As to the defendants in above-captioned, related cases, and with the exception of  
 7 Messrs Abercrombie (CR21-117 RSM), Hawkins (CR21-5213 RSM) and Ezell (CR21-  
 8 062 RSM):

9           The facts supporting continuing the trial and excluding the consequent delay are  
 10 set forth in Defendants' Motion to Continue, incorporated by this reference, and include  
 11 the following: (a) the very large number of defendants charged; (b) the already large  
 12 number of charged counts, which are likely to increase in anticipated superseding  
 13 indictments; (c) the number of related indictments; (d) the nature of the prosecution,  
 14 which includes wiretaps over multiple phone lines; (e) the volume of discovery produced,  
 15 and still to be produced; and (f) the schedules of various counsel and their backlogs of  
 16 cases due to the ongoing pandemic and resultant court closures.

17          THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
 18 3161(h)(7)(B)(ii) that this case is sufficiently unusual and complex, due the combination  
 19 of the number of defendants, the nature of the prosecution, as well as the existence of  
 20 novel questions of fact, that it is unreasonable to expect adequate preparation by the  
 21 parties for pretrial proceedings or for the trial itself by the current trial date, or for the  
 22 immediate future.

23          THE COURT FURTHER FINDS, pursuant to Title 18, United States Code,  
 24 Section 3161(h)(7)(B)(iv), that even if Section 3161(h)(7)(B)(ii) did not apply, the failure  
 25 to grant a continuance in this case would deny counsel for the several defendants and the

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 v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-  
 64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v.  
 Arambula et al.*, CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v.  
 Abercrombie*, CR21-117RSM, *U.S. v. Hawkins*, CR21-5213RSM

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1 attorney for the government the reasonable time necessary for effective preparation—due  
 2 to all parties' need for more time to review the considerable volume of discovery and  
 3 evidence produced, and still to be produced, and to consider possible defenses and  
 4 motions—taking into account the exercise of due diligence.

5 THE COURT FURTHER FINDS, pursuant to Title 18, United States Code,  
 6 Section 3161(h)(7)(B)(i), that the failure to grant a continuance into spring of 2023 would  
 7 be likely to make a continuation of the proceeding impossible or result in a miscarriage of  
 8 justice.

9 THE COURT THEREFORE FINDS, pursuant to Title 18, United States Code,  
 10 Section 3161(h)(7)(A), that the ends of justice served by a continuance into the spring of  
 11 2023 outweigh the best interest of the public and the several defendants in a speedy trial.  
 12 Moreover, pursuant to pursuant to Title 18, United States Code, Section 3161(h)(6), the  
 13 objections of those defendants who oppose a continuance of this length are overruled, as  
 14 those defendants are joined for trial with other defendants for whom the time for trial has  
 15 not run, and no motion to sever has been brought or granted. The defendants in these  
 16 related cases are alleged to have conspired together. All of the related cases arise out of a  
 17 common investigation, including common Title III interception applications and common  
 18 search warrant applications.

19 THE COURT FINDS, in light of these factors, that it is unlikely that the parties  
 20 can be reasonably ready to try this matter before spring 2023, at the earliest.

21 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
 22 3161(h)(6) and (7), that this is a reasonable period of delay, in that the significant  
 23 majority of the defendants have indicated they require more time to prepare for trial and  
 24 believe that spring 2023 is the earliest that they could be prepared to proceed to trial. The  
 25 Court finds that given the complexity of the case, the number of defendants, and the

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27 *U.S. v. Calvert-Majors et al.*, CR21-53RSM, *U.S. v. Lumumba-Olabisi et al.*, CR21-  
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 28 *v. Ezell*, CR21-62RSM, *U.S. v. Clemente*, CR21-63RSM, *U.S. v. Jordan*, CR 21-  
 64RSM, *U.S. v. Evans*, CR21-68RSM, *U.S. v. Daniels*, CR 21-69RSM, *U.S. v.*  
*Arambula et al.*, CR21-107RSM, *U.S. v. Moreno Aguirre et al.*, CR21-108RSM, *U.S. v.*  
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1 volume of discovery produced, and still to be produced, that this amount of time is, in  
2 fact, necessary.

3 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be  
4 continued as to all defendants in all of the related cases captioned above until **March 20,**  
5 **2023 at 9:00 AM.**

6 IT IS FURTHER ORDERED that a status conference, to be attended by all  
7 defendants who remain in the case, together with their counsel, as well as the  
8 government, is scheduled for **September 22, 2022 at 9:00 AM.** An order addressing any  
9 remaining discovery issues and setting a briefing scheduled for pretrial motions will be  
10 entered at that time.

11 IT IS HEREBY ORDERED that the defendants who have joined this motion shall  
12 file speedy trial waivers no later than **May 6, 2022**, to the extent they have not already  
13 done so.

14 IT IS FURTHER ORDERED that the time between this date and the new trial date  
15 is excluded in computing the time within which a trial must be held pursuant to Title 18,  
16 United States Code, Section 3161, *et seq.*

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18 IT IS SO ORDERED.

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20 DATED this 14<sup>th</sup> day of April, 2022.

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RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

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